REMARKS

Claims 24-37 and 39-58 are currently pending with claims 24 and 58 being independent. The Office Action indicates that the independent claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over Monga (U.S. Pat. No. 7,321,932) in view of Shabtay (U.S. Pat. No. 7,345,991). However, neither of these references teaches or suggests every limitation of the claims.

The claimed invention provides a system and method for protecting first and second communication networks interconnected by an Automatic Switched Transport Network (ASTN) having an ASTN control plane. The first communication network has a first primary terminal node and an associated first secondary terminal node, while the second network has a second primary terminal node and an associated second secondary terminal node. The first primary terminal node of the first network connects to the second primary terminal node of the second communication network for communications over a primary communication circuit. Additionally, responsive to a failed interconnection between the first and second primary terminal nodes, the first and second secondary terminal nodes are configured to establish a secondary communication circuit between them.

Claim 24, which is directed to such a protection system for first and second communication networks, is non-obvious over the cited references for at least two reasons. First, neither reference teaches or suggests, alone or in combination, an ASTN control plane configured to implement "signaling and _automatic polling mechanisms_ to switch traffic from the first and second primary terminal nodes to the first and second secondary terminal nodes responsive to the failed interconnection between the first and second primary terminal nodes."

More specifically, Monga discloses a system and method for managing the establishment of connections and services in an optical communications network. In Monga, an Automatic Switched Optical Network (ASON) controller provides a Network-to-Network Interface

(NNI). The NNI facilitates the exchange of routing information used to perform functions such as establish and terminate optical communication paths, switch optical communication paths, and protect and restore optical communication paths. *Monga*, col. 5, ll. 15-23.

The Office Action equates the disclosed "link state advertisements" (LSAs) of Monga to the claimed automatic polling mechanisms. However, Monga's description of the LSAs and their function does not support this assertion. Polling mechanisms, such as the claimed polling mechanisms, are periodic messages or signals that are sent by one device and acknowledged by another. The LSAs, however, are no such thing. In Monga, the LSAs are maintained in memory of the ASON for devices equipped with an Optical Service Agent (OSA). Upon detecting a failure of an OSA-enabled device, the ASON device invalidates the LSA for that device, stores the LSA in its memory, and distributes the link attributes to other peer devices. This permits the other peer devices in Monga to more rapidly detect the operational state of the OSA-enabled device. *Monga*, col. 3, ll. 61-64; *see also*, col. 4, ll. 26-38; col. 12, ln. 61 – col. 13, ln. 2. The LSAs in Monga simply contain information regarding OSA-enabled devices and are stored in the ASOM device memory. They are not the claimed automatic polling mechanisms.

Because Monga does not teach or suggest the claimed "automatic polling mechanisms," it cannot teach or suggest, "an ASTN control plane configured to implement signaling and *automatic polling mechanisms* to switch traffic from the first and second primary terminal nodes to the first and second secondary terminal nodes responsive to the failed interconnection between the first and second primary terminal nodes." Further, the secondary reference, Shabtay, is cited only for its alleged disclosure of a client-edge (CE) device. Shabtay does not teach or suggest the claimed automatic polling mechanism, and the Office Action does not indicate otherwise. Therefore, whatever Shabtay discloses, it does not remedy Monga.

A second point of failure for Monga is that it does not teach of suggest that, " the criteria for switching the traffic to the secondary communication circuit are based on alarm monitoring

on a client side of the ASTN network," as claimed *E.g., Spec.*, p. 17, ll. 5-19. The Office cites column 12 of Monga, lines 61-65, to support the allegation that it does. However, the only thing this section teaches is that the ASON device stores and distributes LSAs (which, as stated above, are not the claimed automatic polling mechanisms). There is no mention in this cited section – or in the rest of Monga – that teaches or suggests monitoring for an alarm on a client side of an ASTN network, and switching traffic to a secondary communication circuit based on alarm. Further, as stated above, the CE devices allegedly disclosed by Shabtay do not remedy this deficiency of Monga.

Therefore, neither reference alone teaches or suggests an ASTN control plane "configured to implement signaling and automatic polling mechanisms to switch traffic from the first and second primary terminal nodes to the first and second secondary terminal nodes responsive to the failed interconnection between the first and second primary terminal nodes...wherein the criteria for switching the traffic to the secondary communication circuit are based on alarm monitoring on a client side of the ASTN network," as claimed in claim 24. And because both references alone fail to teach or suggest the same claim limitations, their combination necessarily fails to teach or suggest these limitations. Accordingly, claim 24 and its dependent claims are non-obvious over the cited reference.
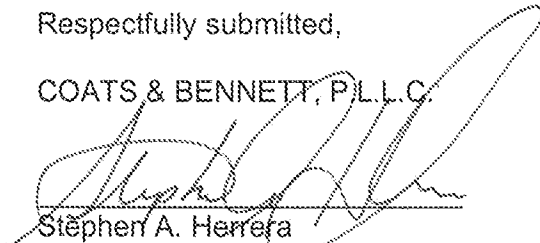
The other independent claim – claim 58 – is the corresponding method claim for claim 24, and contains similar limitations. As such, for reasons similar to those stated previously, claim 58 is not rendered obvious over Monga in view of Shabtay.

Finally, some additional references have been cited in addition to Monga and Shabtay to support §103(a) rejections to some of the dependent claims. However, the independent claims 24 and 58 are patentable over the cited art alone and in combination. Therefore, their dependent claims are also all patentable over the cited references, alone and in combination.

In light of the foregoing remarks, all pending claims are in immediate condition for allowance. As such, Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

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